

**IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT,  
EASTERN DIVISION, AT:  
MONTGOMERY, ALABAMA**

RECEIVED  
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TERESA P. HACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

GENE COGGINS Pro st  
1436 COUNTY ROAD #299  
LANETT, AL 36863  
Plaintiff

V;

DIST. COURT NO. 3:07 -CV- 00406 -MEF - SRW

TALLAPOOSA COUNTY and  
TALLAPOOSA COUNTY SHERIFF DEPART.  
Defendants

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**REPLY TO DEFENDANTS ANSWER**

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COMES NOW, GENE COGGINS, THE ABOVE PLAINTIFF WITH THIS  
REPLY TO THE ABOVE DEFENDANT ANSWER, FOR DENYING MY GUARANTEED  
CONSTITUTION RIGHTS AS GIVEN IN THE CONSTITUTION OF THE UNITED  
STATES. THESE GUARANTEED RIGHTS ARE ESTABLISHED LAWS , DOMINATING  
BY THE CONSTITUTION , WITH PRESTIGE OVER ALL OTHER LAWS, AND NON -  
DEBATABLE. ON THE FIRST PAGE OF DEFENDANTS ANSWER ITEM NO.1, AS,  
"THE PLAINTIFF COMPLAINT FAILS TO STATE A CLAIM, UPON WHICH RELIEF MAY BE  
GRANTED," AND ON THE LAST LINE SAME PAGE UNDER ANSWER, "THE DEFENDANTS  
DENIES THAT ANYONE ACTED AS TO DEPRIVE THE PLAINTIFF OF HIS CONSTITUTIONAL RIGHTS."  
ANSWERING HIS OWN QUESTION.

UNDER ITEM NO 2., THE DEFENDANT TRIES TO TIE ANOTHER CASE TO THIS CASE, THAT IS ENTIRELY A DIFFERENT CASE. THE DEFENSE USED BY THE DEFENDANT UNDER ITEM NO.3 STATES THAT FED. RULE CIV. P. R. 8 THAT THE PLAINTIFF'S COMPLAINT FAILED IN A SHORT AND PLAIN STATEMENT SHOWING THE RELIEF HE IS ENTITLED TO. I KNOW IT IS VERY HARD FOR ANYONE TO UNDERSTAND WHAT THE FIRST PAGE OF MY COMPLAINT STATED, IN THE MIDDLE OF THE PAGE IN LARGE BOLD BLACK LETTERS,"**THIS COMPLAINT IS FILED AGAINST THE DEFENDANTS ABOVE THAT IS INVOLVED IN DESTROYING MY CONSTITUTIONAL RIGHTS AS AN AMERICAN CITIZEN.**

THIS IS SO PLAIN THAT MY SEVEN YEAR OLD GRAND DAUGHTER UNDERSTANDS. IN ITEM NO 4, AND 5, " THE DEFENDANT IN THIS ACTION IS ENTITLED TO IMMUNITY." HERE THE DEFENDANT 'S ATTORNEY REFUSES TO ACCEPT THAT THE 11<sup>th</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION AS THE DOMINANT LAW THAT PREVAILS OVER ANY OTHER FEDERAL OR STATE LAW, GIVES EVERY CITIZEN OF THIS STATE THE RIGHT TO SUE OR BE SUED BY OTHER CITIZENS WITHIN THIS STATE, WITH NO EXCEPTIONS. ALL OF THE ALABAMA LAWS USED HERE HAVE NO AUTHORITY OVER THE FEDERAL COURTS AND THIS CASE IS IN THE UNITED STATES FEDERAL COURT.

HERE IN ITEM NO 6, STATES THAT," THE PLAINTIFF HAS NOT EXHAUSTED HIS REMEDIES UNDER THEE ALABAMA LAW. THIS HAS TO BE A JOKE, FOR A

UNITED STATES CONSTITUTION VIOLATION, MUST BE SETTLED ONLY IN  
FEDERAL DISTRICT COURTS

THERE AGAIN IN ITEM NO. 7, "THE DISTRICT COURT HAS NO  
JURISDICTION OVER THIS MATTER," WHEN ANY QUESTION, OR ACTION  
INVOLVED A GUARANTEED UNITED STATES CONSTITUTIONAL RIGHT AS GIVEN  
IN THE DUE PROCESS OF LAW, THE FEDERAL COURTS ARE THE ONLY ONE  
THAT HAVE JURISDICTION OVER THIS MATTER, FOR A STATE COURT CANNOT  
SETTLE ANY GUARANTEED RIGHT, MADE AND ENFORCED BY THE FEDERAL  
GOVERNMENT.. **A STATE CANNOT EXCLUDE A PERSON FROM THE  
PRACTICE OF LAW OR FROM ANY OTHER OCCUPATION IN A MATTER OR FOR  
ANY REASONS THAT CONTRAVENE THE DUE PROCESS OF OR EQUAL  
PROTECTION CLAUSE OF THE 14<sup>th</sup> AMENDMENT..** 535, U. S. At 238, 77 S. Ct. At  
756. THE PRINCIPAL AUTHORITY AS A REASONABLY PRUDENT MAN, USING  
DILIGENCE AND DISCRETION PRINCIPALS USUALLY INCLUDES WHAT EVER IS  
NECESSARY IN CARRYING OUT AND PROTECTING THE DUE PROCESS OF LAW AS  
FOUND IN THE 5<sup>th</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION, AGAIN  
IN THE 14<sup>th</sup> AMENDMENT WHICH PROTECTS A PERSON FROM STATE ACTIONS,  
WHERE THE PERSON IS GUARANTEED FAIR PROCEDURES AND SUBSTANTIVE  
UNDER SAFEGUARD FOR THE PROTECTION OF INDIVIDUALS RIGHTS, AS  
ESTABLISHED IN OUR SYSTEM OF JURISPRUDENCE FOR THE ENFORCEMENT OF  
PRIVATE RIGHTS. THE SCOPE AND EXTENT OF JURISDICTION FOR FEDERAL  
COURTS SI GOVERNED BY THE PROPER USAGE OF FED. R. 28 U. S. C. A. s/s 1251,  
et. Seq.

03.

THE LEGAL RIGHT EXIST WHEN THE COURT HAS COGNIZANCE OF CLASS OF CASES, INVOLVING PROPER PARTIES ARE PRESENT AND THE POINT (S) TO BE DECIDED IS WITHIN THE POWER OF THE COURT    United Cemeteries Co.    V: Strother, 342 Mo. 1155, 119, S. W. 2d, 762, 765.. Harder    V: Johnson, 147 Kan 440, 76 P. 2d, 763, 764..

ITEM NO . 8, “ PLAINTIFF FAILS TO ALLEGE ANY AFFIRMATIVE CAUSAL LINK BETWEEN THE DAMAGE TO PLAINTIFF’S HOUSE AND THE ALLEGED ACTS OF THE DEFENDANT.”.. THE PROTECTION OF ANY CITIZEN AND HIS PROPERTY IS A PART OF THE SWORN DUTY IN THE OATH OF OFFICE, TAKEN BY ALL POLICE OFFICERS.

ITEM NO. 9, WHERE “PLAINTIFF FAILS TO ALLEGE ANY CONSTITUTIONAL DEPRIVATION OR DEFENDANTS DIRECT PARTICIPATION IN ANY ALLEGED CONSTITUTIONAL VIOLATION.” ANY VIOLATION OF A GUARANTEED CONSTITUTIONAL RIGHT, MADE BY ANY PUBLIC OFFICIAL CREATES AND BREAKS THIS OATH OF OFFICE IS A CRIMINAL OFFENCE AND GUILTY OF PERJURY ALSO. UNDER THE UNITED STATES CONSTITUTION, AMENDMENT NO 4, STATES THAT ALL CITIZENS HAVE THE RIGHT TO BE SECURE IN THEIR OWN HOUSES, PAPERS, AND OTHER EFFECTS. WHEN THE OFFICER(S) SUPPORT ILLEGAL ACTIVITIES BY FAMILY MEMBERS THAT HAVE NO LEGAL TIES TO ANY PART OF THIS PROPERTY OR BUILDINGS, AND GIVE ME ORDERS TO LEAVE STOLEN, PROPERTY IN MY HOUSE, HAS NO SENSE OF RIGHT OR WRONG.

ITEM NO 10. STATES, “COUNTY PEACE OFFICERS ARE IMMUNE FROM TORT

LIABILITY FOR PERFORMING THEIR DUTY”, THE DEFENDANTS ATTORNEY FAILS TO DISTINGUISH THAT THIS CASE IS IN FEDERAL COURT, AND THE DOMINATING RULE OF LAW IS THE UNITED STATES CONSTITUTION, 11<sup>th</sup> AMENDMENT, THAT GIVES EVERY CITIZEN THE RIGHT TO SUE AND BE SUED, AS LONG AS THEY ARE RESIDENTS OF THE SAME STATE THEREFORE NOT ANY OTHER FEDERAL OR STATE LAW, CARRIES THIS RIGHT. Ala Code 1975, s/s 6-5-38(a) IS WORTHLESS.

IN ITEM NO 11, “THE DEFENDANT NAMED BY PLAINTIFF, DID NOT PERFORM THE ARREST OF PLAINTIFF, THEREFORE, PROXIMATE CAUSE IS A NECESSARY ELEMENT,” THE ABILITY TO UNDERSTAND WHAT THE COMPLAINT IS ABOUT, AS FOUND ON THE FIRST PAGE OF MY ORIGINAL COMPLAINT, **“THIS COMPLAINT IS FILED AGAINST THE DEFENDANT ABOVE THAT IS INVOLVED IN DESTROYING MY CONSTITUTIONAL RIGHTS AS AN AMERICAN CITIZEN.”** THE ONES INVOLVED ARE LISTED IN THE ORIGINAL COMPLAINT, WITH CAUSE OF ACTION, JURISDICTION, PROPERLY SERVED WITH A SUMMONS AND A COPY OF THE COMPLAINT IN AND ACCORDING TO FEDERAL RULES 3, 4, AND 5. WITH TIME LIMITS ON A REPLY, AND THE REQUIRED RESULTS IF THIS TIME LIMIT IS NOT FOLLOWED, AND NOT CONSIDERING BREAKING THEIR OATH OF OFFICE AS A FELONY, AND COMMITTING PERJURY A CRIME.. .

IN ITEM NO.12, “NOT ONLY IS THE PLAINTIFF UNABLE TO PROVIDE A VIOLATION OF HIS RIGHTS UNDER THE UNITED STATES CONSTITUTION OR FEDERAL LAWS, BUT HE HAS FAILS TO EVEN ALLEGES ANY VIOLATION OF THE

UNITED STATES CONSTITUTION OR ANY FEDERAL LAW”.. THIS ONLY SHOWS THAT THE DEFENSE ATTORNEY HAS NEVER READ THE ORIGINAL COMPLAINT, OR DOES NOT HAVE THE ABILITY TO UNDERSTAND WHAT HE HAS READ. DEFENDANTS ATTORNEY TO LEGALLY DEFEND ANY CLIENT IN FEDERAL COURT IS LIMITED, WHEN THE TOTAL ISSUE INVOLVING A GUARANTEED UNITED STATES CONSTITUTION, DUE PROCESS OF LAW HAS ALREADY BEEN AN ESTABLISHED LAW, THAT IS NON - DEBATABLE, AND THE WORD **DENIED**, IS ILLEGAL ANSWER FOR THE COURT OR JUDGE TO USE, THAT ADDS TO THE ILLEGALITY OF THE CASE. USING THIS MAKES THE COURT AND JUDGE GUILTY OF DENYING THE GUARANTEED DUE PROCESS OF LAW, AND GUILTY OF BREAKING THEIR OATH OF OFFICE AND PERJURY..

THE UNITED STATES CONSTITUTION SET UP DISTRICTS COURTS FOR LOCAL CASES TO BE HEARD IN THE PROPER JURISDICTION AND FEDERAL DISTRICTS COURTS FOR TRIALS INVOLVING CONSTITUTIONAL RIGHTS AND FEDERAL QUESTIONS AS GIVEN IN RULE 28 U. S. C. A. 81, s/s et, seq..

WHEN ANY RULE OF LAW, LIKE THIS ONE, IS COVERED IN THE GUARANTEED DUE PROCESS, AS GIVEN IN THE CONSTITUTION OF THE UNITED STATES, COVERING THE RIGHT FOR EVERY CITIZEN TO BE HEARD AND HAVE THEIR DAY IN COURT, THIS RULE, ANY PART OF IT, OR ANY OTHER CAN NOT BE USED TO DENY THIS RIGHT, WHERE THIS CONCEPT OF THE DUE PROCESS OF LAW, IS EMBODIED IN THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND HAS PRESTIGE OVER ANY OTHER RULE OF LAW, COURT

ORDERS, OR JUDGES, THAT ATTEMPTS TO BLOCK THIS CASE IN COURT. U. S. V:  
Smith, D. C. Iowa, 249 App. Supp. 515, 516

THE SEVENTH AMENDMENT OF THE UNITED STATES CONSTITUTION  
REQUIRES A TRIAL BY AN IMPARTIAL JURY, ON EITHER CIVIL OR CRIMINAL  
CASES AND ALL ISSUES BETWEEN THE PARTIES MUST BE SETTLED, WEATHER  
THEY BE ISSUES OF LAW OR FACTS, WITH NO FORM OF RESTRICTIONS ADDED  
ON.

WHEN PUBLIC OFFICIALS TAKE AN OATH OF OFFICE, THEY ARE REQUIRED  
TO ABIDE BY THE FEDERAL LAWS AND AMENDMENTS AS SO GIVEN IN THE  
UNITED STATES CONSTITUTION, OR THEY HAVE COMMITTED A FELONY AND  
PERJURY. THE PAPER TRAIL IN THESE CASES, THAT I HAVE BEEN INVOLVED  
WITH, LEAVES NO DOUBT THAT ALL HAVE NOT ABIDED BY THE OATH OF  
OFFICE. THE OATH OF OFFICE BINDS THAT PARTY WHEN THEY ASSUME, OR IS  
CHARGED WITH THAT OFFICE, HEREBY DECLARING THAT THEY WILL  
**FAITHFULLY AND TRUTHFULLY**, DISCHARGE THE DUTIES OF THAT OFFICE AND  
UP - HOLD ALL THE LAWS EQUALLY, AS SO GIVEN IN THE CONSTITUTION OF THE  
UNITED STATES OF AMERICA, AND STATUES THAT MAY APPLY TO THAT  
PARTICULAR CASE. ART. VI, U. S. CONSTITUTION. THAT THIS ATTESTATION  
OR PROMISE IS UNDER A IMMEDIATE SENSE OF RESPONSIBILITY TO **GOD**.  
WHERE ONE WILLFULLY ASSERTS UNTRUE STATEMENTS ARE PUNISHABLE FOR  
PERJURY AND GUILTY OF A FELONY, BY BREAKING THIS OATH OF OFFICE.  
ART. II Sec. I U. S. Const. Vaughn V: State 146, Tex. Cr. R. 585, 177, S. W. 2d, 59, 60..

ANY ACTION FILED IN COURT IS NOT MERELY TO COMMENCE OF, BUT MUST FOLLOW IT TO AN ULTIMATE CONCLUSION, BEFORE A TRIBUNAL, FOR THE PURPOSE OF DETERMINING THE GUILTY OR INNOCENCE OF THE PERSON THAT IS CHARGED WITH THE CRIME.. U.S. V: Reisinger 128, U. S. 396, 9, S. CT.99, 32, L. E. D. 480..

UNDER THE FEDERAL RULES OF COURT, 3. 4..5, THE GUARANTEED DUE PROCESS OF LAW, AT THE BEGINNING OF ANY ACTION THE COMPLAINT AND SUMMONS MUST BE FILED WITH THE CLERK OF THAT COURT AND DATE GIVEN FOR THE TIME THAT THE ANSWER MUST BE RECEIVED OR THE DEFENDANT HAS TO BARE THE FOREGOING RESULTS, AS ASKED FOR IN THE COMPLAINT. WHEN THE ANSWER IS NOT RECEIVED WITH IN THE REQUIRED TIME LIMIT, AS GIVEN ON THE SUMMONS, DEFAULT AND DEFAULT JUDGMENT MUST BE ENTERED AGAINST THEM.. THE DEFENDANTS WERE PROPERLY SERVED BY CERTIFIED MAIL, WITH RECEIPT RETURNED BACK TO THE CLERKS OFFICE, AS REQUIRED AS ONE OF THE PROPER METHODS OF SERVICE, IN THE FEDERAL RULES OF CIVIL PROCEDURES.. THE PROCESS THAT LEADS UP TO THE FILLING OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DEFENDANTS WAS SET UP UNDER THE DUE PROCESS OF LAW AS ESTABLISHED IN THE GUARANTEED RIGHTS OF THE UNITED STATES CONSTITUTION, THIS GIVES NO COURT OR JUDGE THE RIGHT TO USE ANY FORM OF **DENIED**, PLACE ANY RESTRICTIONS UPON ANY FORM OR USING ANY OTHER RULE OF LAW IMPROPER OR ILLEGAL, BECAUSE OF THIS GUARANTEED PROCESS...



**CONCLUSION:**

THE MAJOR PROBLEM IN THIS CASE CAME WHEN THE JUDGE TRIED TO PLAY TWO ROLLS, ACTING AS JUDGE AND ATTORNEY FOR THE DEFENDANTS AT THE SAME TIME.. AFTER PROPER SERVICE WAS MADE BY THE U.S. MAIL, AND DEFENDANT NEVER ANSWERED THE COMPLAINT IN THE ALLOWED TIME, THE JUDGE TRIED EVERY ILLEGAL METHOD HE COULD COME UP WITH TO STALL AND FIND SOME IMPROPER WAY TO DISMISS THIS CASE. ALL OF THE ANSWER YOU SENT IN AFTER DEFAULT AND DEFAULT JUDGMENT WAS FILED IS USELESS AND MUST BE DECLARED NULL AND VOID, AS WELL AS YOUR MOTION TO DISMISS. AGAIN THE UNITED STATES CONSTITUTION GUARANTEES EVERY CITIZEN THE RIGHT TO BE HEARD AND HAVE THEIR DAY IN COURT, THIS MAKES YOUR MOTION TO DISMISS ILLEGAL AND ANOTHER CONSTITUTION VIOLATION OF THE DUE PROCESS OF LAW. USING THIS WORD TO DISMISS ANY GUARANTEED PART OF THE DUE PROCESS OF LAW BY ANY COURT OR JUDGE IS ILLEGAL, AND DENIES THE PLAINTIFF THE RIGHT TO BE HEARD IN ANY COURT.

THE FINAL DISPOSING OF AN ACTION, WHEN ALL ISSUES INVOLVED ARE SETTLED TO THE PLAINTIFFS VOLUNTARY SATISFACTION, CAN BE HANDLED WITHOUT A TRIAL.. FED. R. CIV. P. 41, 41(a)..

  
GENE COGGINS

## CERTIFICATE OF SERVICE

1, GENE COGGINS, DO HEREBY DECLARE UNDER THE PENALTY OF PERJURY, THAT I HAVE PLACED UPON THIS DAY A COPY OF THE COMPLAINT AND SUMMONS IN THE U.S. MAIL, SENT CERTIFIED WITH RETURN RECEIPT, TO OFFICE OF THE CLERK, WITH PROPER POSTAGE, AND TO THE LAST KNOWN ADDRESS OF THE DEFENDANT.

Gene Coggins  
GENE COGGINS Pro st

DATE AUGUST 15, 2007